



## Texas Department of Insurance

### Division of Workers' Compensation

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## Memorandum

**To:** Selected Workers' Compensation Insurance Carriers

**From:** DC Campbell, Director  
Workers' Compensation Research and Evaluation Group

**Date:** March 4, 2013

**Subject:** Notice of Pharmacy Closed Formulary Data Call on Legacy Claims

On behalf of the Commissioner of Workers' Compensation, the Texas Department of Insurance (TDI), Workers' Compensation Research and Evaluation Group (REG), is issuing this data call to selected insurance carriers for the purpose of collecting information on legacy claims that have been prescribed and dispensed at least one of the drugs excluded from the Division of Workers' Compensation's adopted pharmacy closed formulary (i.e., N-Drugs) after September 1, 2012.

**To complete this data call, selected insurance carriers must submit the requested information on all legacy claims with injury dates prior to September 1, 2011 with at least one drug excluded from the Division of Workers' Compensation's pharmacy closed formulary (i.e., N-Drugs) dispensed between September 1, 2012 and March 1, 2013.**

Each selected insurance carrier is required to provide **one** data submission per insurance carrier in the Excel matrix format provided by the REG. Multiple submissions by different insurance carrier representatives for an insurance carrier **will not** be accepted.

A hard copy of the Excel matrix and instructions for completing the matrix is included with this memo. An electronic copy of the Excel matrix and instructions can be found on the agency website at <http://www.tdi.texas.gov/wc/pharmacy/index.html>. Data should be entered as explained in the *Instruction Sheet*. Failure to submit data in accordance with the instructions provided will result in additional requests for spreadsheet corrections.

Data must be submitted via secured e-mail to [WCResearch@tdi.texas.gov](mailto:WCResearch@tdi.texas.gov) by close of business on **April 1, 2013. Incomplete or inaccurate data not corrected and resubmitted by the due date will be considered late.**

This Notice of Pharmacy Closed Formulary Data Call on Legacy Claims is issued under the authority of Texas Labor Code §§401.024, 402.00111(b), 402.00128(b)(10) and (12) and Chapter 405. Failure to comply with a request for information is an administrative violation.

Please note that pursuant to Texas Labor Code §405.004, a working paper, including all documentary or other information, prepared or maintained by the REG to conduct an evaluation

and prepare a report is excepted from public disclosure under the Open Records Act – Section 552.021, Texas Government Code.

However, if any of the requested data is deemed to be privileged or of a confidential nature, please designate and label the document and the particular protected text as such. Your designation should include a cover letter identifying the applicable statutory citation or common law privilege applicable to particular text. A generalized assertion of confidentiality or privilege is insufficient. In the event a request is made by a third party under Texas Public Information Act, TDI will refer the requested documents to the Office of the Attorney General for a determination whether the requested information is privileged or confidential and may be withheld from public disclosure.

For more information, please contact [WCResearch@tdi.texas.gov](mailto:WCResearch@tdi.texas.gov).

### **Selected Insurance Carriers**

Ace American Insurance Co  
American Home Assurance Co  
Amguard Insurance Co  
Arrowood Indemnity Co  
Big Spring ISD  
City of Austin  
Facility Insurance Corp  
Harris County  
Hartford Fire Insurance Co  
Hartford Ins Co of the Midwest  
Indemnity Insurance Co of North America  
Insurance Co of the State of PA  
Liberty Insurance Corp  
Liberty Mutual Fire Insurance Co  
New Hampshire Insurance Co  
Old Republic Insurance Co  
Safeco Insurance Co of America  
State Office of Risk Management  
Texas A & M University System  
Texas Cotton Ginners Trust  
Texas Department of Transportation  
Texas Mutual Insurance Co  
Texas Property & Casualty Insurance Guaranty Association  
Travelers Indemnity Co  
Travis County  
Texas Municipal League Intergovernmental Risk Pool  
United States Fidelity & Guaranty Co  
University of Texas System  
Zurich American Insurance Co